

Message Text

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ACTION EA-09

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TAGS: PINT, KS
SUBJECT: MYONGDONG TRIAL: FIFTH APPEAL SESSION

REF: SEOUL 9591

SUMMARY - PROSPECTS FOR SPEEDY CONCLUSION TO HEARINGS DIMMED AS FIFTH SESSION COULD NOT MOVE BEYOND QUESTIONING ELEVEN OF DEFENDANTS. COURT CALLED FOR ANOTHER SESSION ON DECEMBER 13, BUT IT NOW SEEMS UNLIKELY THAT SENTENCING COULD TAKE PLACE BEFORE COURT RECESS DECEMBER 18. DEFENDANTS HAD STAGED ONE DAY HUNGER STRIKE DECEMBER 10 TO OBSERVE HUMAN RIGHTS DAY. THERE WERE NO DEMONSTRATIONS AT COURT, BUT WIVES OF DEFENDANTS APPEARED AND READ STATEMENT ON EVENTING OF DECEMBER 10 AS PART OF HUMAN RIGHTS DAY OBSERVANCE SPONSORED BY KNCC IN SEOUL. END SUMMARY

1. FIFTH SESSION MYONGDONG APPEAL TRIAL DECEMBER 11 SAW COURT PRESS UNSUCCESSFULLY TO SPEED UP QUESTIONING OF DEFENDANTS.
2. DEFENDANTS GENERALLY REITERATED VIEWS THEY HAD MADE DURING DISTRICT COURT HEARINGS. MAIN POINTS MADE BY EACH DEFENDANT HEARD SUMMARIZED AS FOLLOWS: A) MUN IK-HWAN STATED PROSECUTION HAS PROVEN THAT VIEWS OF ROKG AND DEFENDANTS DIFFER, NOT THAT DEFENDANTS' VIEWS NECESSARILY WRONG.

B) YUN PO SUN'S APPEARANCE CREATED OUTBURST WHEN PROSECUTION

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OBJECTED TO DEFENSE ATTORNEY'S ADDRESSING YUN AS "EXCELLENCY,"

COURT OVERRULED PROSECUTION OBJECTION. YUN COMMENTED IN DESULTORY FASHION WITH VARIOUS SHORCOMINGS OF COURT PROCEDURE.

C) CHONG IL-HYONG ARGUED THAT ROKG DEFINITION OF NATIONAL SECURITY DESIGNED TO PROTECT REGIME NOT NATION AND THAT RESTRICTIONS ON HUMAN RIGHTS UNDERMINE TRUE NATIONAL SECURITY. HE THEREFORE HAD ALWAYS OPPOSED YUSHIN CONSTITUTION AND BELIEVED THERE IS ONLY ONE DEMOCRACY, AND PREFIXES SUCH AS KOREAN, GUIDED, PEOPLES OR WHATEVER WERE MISLEADING.

D) YI TAE-YONG REITERATED THAT WHILE SHE WAS IN NO WAY ASHAMED OF OBJECTIVES OF MYONGDONG DEFENDANTS, SHE WAS NOT INVOLVED IN PREPARATION OF DOCUMENT OR MEETING.

E) YI MUN-YONG SAID THAT DITIES DEMANDED BY STATE AND CONSCIENCE SOMETIMES CONFLICT AND THAT NATION IS SERVED WHEN CITIZENS CONSCIENCE IS SUCH CIRCUMSTANCES. HE SAID CRITICISM OF STUDENTS, INTELLECTUALS AND CLERGYMEN SURE SIGN OF FRAYING OF NATIONAL FABRIC, AND ROKG SHOULD HEED RATHER THAN SUPPRESS THIS ADVICE. HE AGREED HE MIGHT BE GUILTY VIOLATING EM-9, BUT NOT OF DISTORTING TRUTH.

F) AN PYONG-MU SAID DEFENDANTS HAD NO INTENTION OF PROVOKING MASS UPRISING, AND THIS WAS PROVEN BY MANNER IN WHICH DEFENDANTS' VIEWS WERE PRESENTED TO LIMUZED AUDIENCE AT CATHEDRAL.

G. HAM SOK-HON SAID HE WAS IN MOURNING FOR DEATH OF JUSTICE AND FREEDOM. HAM, AS A PUBLISHER, INSISTED THAT ROKG APPLIED PRESSURE ON PRESS WHICH AMOUNTED TO PRIOR CENSORSHIP. OTHERWISE, HOW COULD PROSECUTOR ACCOUNT FOR FACT THAT NO KOREAN PAPER HAS REPORTED ON DEFECTION OF COUNSELOR OF ROK EMBASSY IN WASHINGTON OR ALLEGATIONS ROKG BRIBERY OF US CONGRESSMEN?

H) MUN TONG-HWAN CHALLENGED CHARGE THAT DEFENDANTS WERE SEEKING MOBILIZE MASS UPRISING. HE SAID ONLY FREEDOM IN KOREA WAS TO BE SLAVE OF GOVT.

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I) SO NAM-TONG DISPUTED DATES ASSIGNED TO HIS ACTIVITIES BY PROSECUTION TO DEMONSTRATE THAT HE COULD NOT BE GUILTY OF CONSPIRACY AS CHARGED.

J) HAM SE-UNG SAID FREEDOM AND JUSTICE WERE CRITICAL GOALS AND WHEN THEY WERE IN PERIL CLERGYMEN WERE JUSTIFIED IN ENGAGING IN POLITICAL ACTIVITIES TO PROTECT THEM.

K) SIN HYON-PONG POINTED OUT THAT TESTIMONY OF KIM CHI-HA AND KIM'S MOTHER AND TRANSCRIPT OF SERMON GIVEN BY SIN HAD NOT BEEN PRODUCED IN COURT. SAID THAT WITHOUT CONSIDERING THIS EVIDENCE COURT COULD NOT JUDGE HIS GUILT ON SPECIAL CHARGE BROUGHT AGAINST HIM OF MAKING STATEMENT IN VIOLATION OF EM-9.

3. COURT TERMINATED HEARINGS AT SIX IN EVENING ON MOTION OF DEFENSE. THREE MORE DEFENDANTS STILL WISH TO BE HEARD. COURT SCHEDULED NEXT SESSION FOR DECEMBER 13. IT IS POSSIBLE THAT COURT COULD GET THROUGH REMAINING DEFENDANTS, AND PROSECUTION AND DEFENSE SUMMARIES IN THAT SESSION. HOWEVER, SINCE DEFENDANTS STILL HAVE RIGHT TO MAKE INDIVIDUAL FINAL STATEMENTS AFTER SUMMARIES, CHANCES FOR SENTENCING ON DECEMBER 18 ARE NOW DIM.

4. A DEFENSE LAWYER INFORMED EMBASSY LOCAL EMPLOYEE THAT COLLEAGUES WERE TOYING WITH IDEA OF WALKING OUT OF TRIAL IN LIEU OF PRESENTING DEFENSE SUMMARY. HE STRESSED THAT NO DECISION ON TACTIC HAD YET BEEN MADE.

5. DEFENDANTS HAD STAGED ONE DAY HUNGER STRIKE DECEMBER 10 TO OBSERVE HUMAN RIGHTS DAY. THERE WERE NO DEMONSTRATIONS AT COURT, BUT DEFENDANTS' WIVES HAD CALLED FOR PRAYERS FOR ACCUSED IN STATEMENT THEY READ AT HUMAN RIGHTS DAY OBSERVANCE SPONSORED BY KNCC ON DECEMBER 10.
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